

REMARKS

The above-identified application is United States application serial number 09/816,992 filed on March 23, 2001. Claims 1-20 are pending in the application. Claims 1-20 are rejected. Claims 14-19 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1-4, 6, 8, 9, 10, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Abram et al. (U.S. Patent 6,462,778). Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. (U.S. Patent 6,462,778). Claims 7, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. (U.S. Patent 6,462,778) in view of Obradovich (U.S. Patent 6,252,768).

Rejection of Claims Under 35 U.S.C. §112

Regarding the rejection of Claims 14-19 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, the applicant has canceled the claims.

Rejection of Claims Under 35 U.S.C. §102(e)

Regarding the rejection of Claims 1-4, 6, 8, 9, 10, 11, and 13 under 35 U.S.C. §102(e) as being anticipated by Abram et al. (U.S. Patent No. 6,462,778), the applicants traverse the rejection of all claims at least on the basis that Abrams fails to disclose the method action of "receiving image data and associated position data from a client" in independent method claims 1 and 12, and fails to disclose a "server adapted to receive image data and associated position data from a client" in independent apparatus claim 13. The Examiner reads the term "communications network" in the applicants' claims broadly to include Abrams' interconnection between "clients" including memory, display, user input, analog-to-digital converter, and the like. With such a broad reading, a single client must supply both image data and position data to read on the applicants' claims. In Abrams, the image data is received from a combination of "clients" including the lens, CCD, and ADC, while the associated position data is supplied from a global positioning system or memory. Accordingly, Abrams does not teach a system in which image data and associated position data are supplied from a single client.

The applicants further traverse the rejections on the basis that Abrams fails to disclose a "server" as claimed by the applicants. The Examiner recognizes in the remarks section of the final office action dated September 30, 2003, that the applicant considers the server to be "a computer which delivers data in a multi-computer network environment." The applicants assert that this is an appropriate definition of the term "server" as indicated by the numerous definitions supplied by the applicants in the response filed July 18, 2003.

The Examiner, also in the remarks, further states "in the broadest sense of the term, a server is nothing more than a single processor that outputs data." The applicants traverse the rejections on the basis that the definition of server cannot be read without considering the whole of the claim within which the term is used. The term "server" cannot be read as broadly as the Examiner asserts in the context of the applicants' claims. Specifically, claims 1, 12, and 13 refer to server communications with "a client". The applicants assert that usage of the terms "server" and "client" in combination refer predominantly, if not exclusively, to the realm of a multi-computer network environment. Similarly, claims 1 and 12 refer specifically to the actions of "communicating data via a communications network", further affirmation of the common definition of a server as "a computer which delivers data in a multi-computer network environment." Since both of the methods claimed in Claims 1 and 12 relate specifically to methods of "operating a server", the claimed server can only be considered to operate as a "computer which delivers data in a multi-computer network environment" and not simply "a single processor that outputs data."

Accordingly, the applicants agree with the Examiner's remarks that "usage of the term 'server' does not require the illustration of an Internet, WAN or LAN", and stress that the applicants' claims are not so limited but rather extend to any other sorts of communication network environment. However, the applicants disagree with the Examiner's assertion that the server term "only requires the presence of a single processing device", since the claims do specify structures and operations in a network environment and server-client relationships, that are not disclosed in any manner by Abrams.

The applicants further traverse the rejections on the basis that Abrams fails to disclose "communicating data via a communications network" as claimed by the applicants. Definitions of a "communications network" particularly relevant in the context of server-client communication are listed. The Open Group Architecture Framework (TOGAF) defines a communication network as "a set of products, concepts, and services that enable

the connection of computer systems for the purpose of transmitting data and other forms (e.g. voice and video) between the systems.

(www.opengroup.org/togaf/p4/glossary/glossary.htm)

Abrams does not show a communications network as claimed by the applicants, but rather merely shows interconnections between components in a digital camera.

Rejection of Claims Under 35 U.S.C. § 103(a)

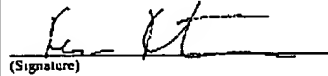
Regarding the rejection of Claim 5, the claim is allowable on the basis of being dependent upon allowable Claim 1.

Regarding the rejection of Claims 7, 12, and 20, the applicant's claims distinguish over Abrams and Abrams in light of Obradovich on the basis that neither reference discloses the server, the communications network, and related server-client operations as claimed in independent Claims 1, 12, and 20. The claims are further distinguishable over Abrams in light of Obradovich on the basis that Obradovich does not teach usage of the web or Internet to access content data. The applicants dispute the Examiner's assertion that Obradovich teaches GPS encoded and annotated images that can be delivered as a web page obtained from the Internet. Close inspection of the cited clause at col. 3, lines 26-27, of Obradovich show a teaching of accessing "GPS encoded information and maps similar to web page listings." A reasonable interpretation is that this does not state that the information is accessed via the Internet, but rather that the type of information accessed is similar to information that can be accessed on the Internet. The rest of the Obradovich patent adds nothing to extend beyond this limited description. The reference to Obradovich on col. 3, line 59, only states that the disclosed system can allow for portable Internet access. Accordingly, Obradovich discloses a system that is completely unlike either of the systems disclosed by the applicants or by Abrams and merely states that portable Internet access is possible, a spurious comment that cannot be related to or combined with the Abrams teaching. The statement is irrelevant to the applicants' claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application, including all remaining Claims 1-13, and 20, is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at (949) 251-0250.

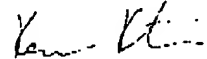
I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Technology Center 2100, After Final at (703) 746-7238 on the date shown below:


(Signature)

Ken J. Koestner
(Printed Name of Person Signing Certificate)

December 10, 2001
(Date)

Respectfully submitted,



Ken J. Koestner
Attorney for Applicant(s)
Reg. No. 33,004